

SIX-MONTH SUSPENSION. In the Matter of Vincent M. Amberly, Del. Supr., No. 232, 2010 (June 1, 2010)

On June 1, 2010, the Delaware Supreme Court ordered that Vincent M. Amberly, Esquire, a member of the Delaware Bar admitted in 1980, be suspended for a period of six months and pay the costs of the disciplinary proceedings against him. Amberly is also admitted to the bars of Virginia and the District of Columbia. The record before the Delaware Board on Professional Responsibility (“Delaware Board”) reflected Amberly is currently a solo practitioner in Arlington, Virginia, and has not maintained any law practice in Delaware for many years.

The Court’s suspension order was the outcome of a reciprocal disciplinary proceeding brought by the Office of Disciplinary Counsel (“ODC”) pursuant to Rule 18 of the Delaware Lawyers’ Rules of Disciplinary Procedure (“Procedural Rules”). Amberly was publicly admonished by the Virginia State Bar Disciplinary Board (“Virginia Board”) for knowingly making false statements of fact to a Virginia state court, to an opposing party in the Virginia litigation, and to counsel for the Virginia State Bar in its investigation of the matter. The Virginia Board’s findings of ethical violations under the Virginia Rules of Professional Conduct conclusively established Amberly’s violations of **Rules 3.3(a)(1), 4.1(a), 8.1(a), and 8.4(c)** of the Delaware Lawyers’ Rules of Professional Conduct.

The District of Columbia reviewed Amberly’s professional misconduct as established in the Virginia disciplinary order and imposed a thirty-day suspension. In objecting to the Delaware Board’s recommendation that Amberly be suspended for thirty days as in the District of Columbia, the ODC argued the Board had erred when it failed to aggregate the several policy concerns raised by Amberly’s acts of dishonesty, and then had concluded that “anything more than a thirty-day suspension will not effectively serve a purpose.” On this record and in

consideration of the Delaware Supreme Court's precedents, the ODC argued, a suspension of only thirty days was not adequate to serve the important purposes of fostering public confidence in the Delaware Bar, preserving the integrity of the profession, and deterring other Delaware lawyers--including both those who practice in Delaware and those who practice in other jurisdictions--from engaging in similar acts of professional misconduct. As further reinforcement for its recommendation, the ODC noted Amberly had failed to comply with his obligation under Procedural Rule 18(a) to inform the ODC of the public disciplinary sanctions imposed against him in Virginia.

After reviewing the Delaware Board's recommendation and the ODC's objections, the Delaware Supreme Court concluded Amberly's misconduct in Virginia warranted substantially different discipline in Delaware pursuant to Procedural Rule 18(d), and therefore imposed a six-month suspension as recommended by the ODC.